

FOR UTILITY
ORIGINAL
DECLARATION



RULE 63 (37 C.F.R. 1.63)
DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION
THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address, and citizenship are as stated below next to my name, and I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED COMPOSITIONS AND METHODS FOR THE DETECTION AND TREATMENT OF METHYLTHIOADENOSINE PHOSPHORYLASE DEFICIENT CANCERS, the specification of which was filed on February 13, 2004 as U.S. Application No. 10/779,476.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. Except as noted below, I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International Application which designated at least one other country than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International Application, filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

PRIOR FOREIGN APPLICATION(S)

<u>Number</u>	<u>Country</u>	<u>Filed</u>	<u>Date First Laid Open Or Published</u>	<u>Date Patented or Granted</u>	<u>Priority Claimed</u>

Except as noted below, I hereby claim domestic priority benefit under 35 U.S.C. 119(e) or 120 and/or 365(c) of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S)

<u>Application Number</u>	<u>Filed</u>	<u>Status</u> <u>pending, abandoned, patented</u>	<u>Priority Claimed</u>
60/447,888	February 14, 2003	pending	Yes
60/460,715	April 4, 2003	pending	Yes

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Winthrop LLP, Intellectual Property Group, (to whom all communications are to be directed), and persons of that firm who are associated with USPTO Customer No. 27500 individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete from that Customer No. names of persons no longer with their firm, to add new persons of their Firm to that Customer No., and to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above Firm and/or an attorney of that Firm in writing to the contrary.

Power of Attorney to Customer Number

27500

INVENTOR'S SIGNATURE:

Luca Lorenz

Date:

JUNE 21, 2004

Name	LORENZO	M.	LEONI
<i>Luca Lorenz</i>	First	Middle Initial	Family Name
Residence	San Diego	CA	Switzerland
	City	State/Foreign Country	Country of Citizenship
Mailing Address	3908 Via Tranquilo, San Diego, CA 92122		

Atty. Dkt. No. 076936-0307942



Inventor(s): Lorenzo M. Leoni
Appln. No.: 10/779,476 Or Patent No.: 076936-0307942 / 023.01US
Filed: February 13, 2004 or Issued.: M# / Client Ref.
Title: COMPOSITIONS AND METHODS FOR THE DETECTION AND TREATMENT OF METHYLTHIOADENOSINE PHOSPHORYLASE DEFICIENT CANCERS

SMALL ENTITY STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(d) and 1.27 (c)) - **SMALL BUSINESS CONCERN**

I hereby state that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern or empowered to act on behalf of the concern identified below:

NAME OF CONCERN Salmedix, Inc.
ADDRESS OF CONCERN 9380 Judicial Drive, San Diego, CA 92121

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention **entitled: COMPOSITIONS AND METHODS FOR THE DETECTION AND TREATMENT OF METHYLTHIOADENOSINE PHOSPHORYLASE DEFICIENT CANCERS** by inventor(s) **Lorenzo M. Leoni** described in

x → ☐ the specification filed herewith,
one → ☒ Application No. 10/779,476, filed February 13, 2004
box → ☐ Patent No. , issued

If the rights held by the above identified small business concern are not exclusive, each small entity individual, concern or organization having rights to the invention is listed in (A) and (B) below and no rights to the invention are held by any person, other than the inventor, who could not qualify under 37 CFR 1.9(c) as an independent inventor if that person had made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

(A) FULL NAME of assignee/licensee/grantee/conveyee*
ADDRESS

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

(B) FULL NAME of assignee/licensee/grantee/conveyee*
ADDRESS

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

*NOTE: Separate statement is required from each person, concern or organization named in (A) and (B) above having rights to the invention, averring to his/her/its status as a small entity. (37 CFR 1.27)

I acknowledge the duty to file, in this case, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Suzanne L. Biggs, Reg. No. 30,158
TITLE OF PERSON OTHER THAN OWNER Attorney for Applicant
ADDRESS OF PERSON SIGNING 11682 El Camino Real, Suite 200, San Diego, California 92130

SIGNATURE *Suzanne L. Biggs* Reg. No. 30,158 DATE 07-20-04
FOR: SUZANNE BIGGS

Please return signed/recorded to:
Pillsbury Winthrop LLP
Intellectual Property Group
11682 El Camino Real, Suite 200
San Diego, CA 92130-2092

Atty. Dkt. 076936-0307942	
M#	Client Ref.

ASSIGNMENT
of U.S. Origin Patent Application

WHEREAS, the undersigned, to wit:

1) Lorenzo M. Leoni	2)	
3)	4)	
5)	6)	
7)	8)	

(hereinafter collectively ASSIGNOR), has/have made an invention known as Dkt. 076936-0307942

and entitled: COMPOSITIONS AND METHODS FOR THE DETECTION AND TREATMENT OF
METHYLTHIOADENOSINE PHOSPHORYLASE DEFICIENT CANCERS

for which an application for Letters Patent of the United States

☐ was executed even date herewith and is about to be filed in the United States Patent and Trademark Office;
☒ was filed on February 13, 2004, Appln. No. 10/779,476;

AND WHEREAS Salmedix, Inc.

(hereinafter ASSIGNEE), duly organized and existing under the laws of the State of Delaware

and having its principal office and place of business at 9380 Judicial Drive, San Diego, CA 92121

desires to acquire an interest therein;


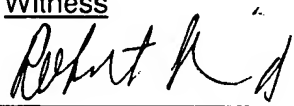
NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNOR, does hereby sell, assign and transfer unto ASSIGNEE, its successors, assigns and legal representatives, the full and exclusive right, title and interest to the said invention in the United States and all foreign countries, as described in the aforesaid application, and to the said application and to all continuations, divisions, reissues and substitutes of said application, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres, and ASSIGNOR hereby authorizes and requests the Commissioner of Patents to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns and legal representatives.

AND ASSIGNOR hereby agrees to execute any papers requested by ASSIGNEE, its successors, assigns and legal representatives, deemed essential to ASSIGNEE's full protection and title in and to the invention hereby transferred.

ASSIGNOR furthermore agrees upon request of said ASSIGNEE, and without further remuneration, to execute any and all papers desired by said ASSIGNEE for the filing and granting of foreign applications and the perfecting of title thereto in said ASSIGNEE.

NOTE: The undersigned hereby authorizes Pillsbury Winthrop LLP of the above address to insert hereon any further identification necessary or desirable for recordation of this document.

Executed on the date(s) below indicated.

<u>Signature</u>	<u>Date Signed</u>	<u>Witness</u>
1) <u></u> Name: Lorenzo M. Leoni	<u>MAY 13, 2004</u>	<u></u>
2) _____ Name: _____	_____	_____
3) _____ Name: _____	_____	_____
4) _____ Name: _____	_____	_____
5) _____ Name: _____	_____	_____
6) _____ Name: _____	_____	_____
7) _____ Name: _____	_____	_____
8) _____ Name: _____	_____	_____